

4 July 1850. 13 & 14 Vict.



(Ireland.)

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[AS AMENDED BY THE SELECT COMMITTEE]

FOR

The better Collection of Fines, Penalties, Issues,
and forfeited Recognizances in Ireland.

- W**HEREAS it is expedient to make better Provision for the Preamble.
Collection of Fines, Penalties, Issues, and forfeited Recognizances at certain Courts of Justice in Ireland: Be it therefore declared and enacted by the Queen's most Excellent Majesty, by
5 and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the proper Officer to make Entries and render Accounts of Fines or other Sums under the Provisions of this Act
shall be the Clerk of the Crown at Assizes, the Clerk of the Rules
10 in the Superior Courts of Law in Dublin, the Clerk of the Peace at Quarter Sessions, the Chief Clerk or such other Clerk as shall be deputed by the Justices for that Purpose at each Divisional Police Office of Dublin Metropolis, and the Person at any other Court whose Duty it shall be to attend and make Entries of the Proceedings;
15 and the Provisions herein-after contained shall severally apply to such respective Officers or their legally authorized Deputies, if any, as fully as if the more particular Designation of each of such Officers or Deputies was repeated in each Provision: Provided always, that
502. nothing

Entries and Accounts by Officers of Courts.

Who shall be the proper Officer of each Court to enter and account for Fines.

Act not to extend to Fines, &c. at Petty Sessions.

nothing in this Act contained shall extend to Fines or forfeited Recognizances imposed or ordered to be estreated at Petty Sessions or by any Justice out of Quarter Sessions.

Entries of all Fines, &c. to be made by Officers of Courts in a Book to be kept for the Purpose.

II. And be it enacted, That whenever any Fine, Penalty, or Amercement shall be imposed, or any Issue shall be directed to be levied, or any Recognizance shall be ordered to be estreated by any such Court, the said Officer of such Court shall forthwith enter the same in a Book to be by him kept for the Purpose, in the Form (A.) in the Schedule to this Act annexed.

In case of Fines upon Jurors Officer to send Notice.

III. And be it enacted, That in every Case where a Fine shall be imposed on any Person for Nonattendance as a Juror the said Officer of the Court shall, within Fourteen Days after the End of the Term, Assizes, Quarter Sessions, orittings of any Court at which such Fine shall have been imposed, send a Notice by Post to such Person, addressed to his usual Place of Residence, informing him of the Imposition of such Fine, and that if not paid within Thirty Days from the Date of such Notice a Warrant will be issued for the Levy of the same.

Officer to receive all Fines, &c.

IV. And be it enacted, That the said Officer shall receive and account for all the said Fines or Sums whether paid in Court or at any Time before the Issue of a Warrant for the Levy of the same, or which shall be received or levied under any Warrant and he paid over to him as herein-after provided, and shall, at the Time of Payment, deliver to the Person by whom the same shall be paid a Receipt for the same, in the Form (H.) in the Schedule of this Act annexed.

Officer to enter all Receipts of Fines, &c. in Book.

Officer to pay Parties and render Accounts to Chief or Under Secretary.

V. And be it enacted, That the said Officer shall enter in the said Book a true Account of all Warrants issued and of all Fines or other Sums so received by him, and shall, out of such Monies, pay to the several Parties such Portion of the same as may have been awarded to them by the Court, and which shall be claimed by them either in Court or at the public Office of the said Officer, taking from each of such Parties a Receipt for the same, in the Form (G.) in the Schedule to this Act annexed, and shall render Accounts of all such Receipts and Payments, and pay over such Balances as may be in his Hands, at such Time and in such Form and with such Vouchers as shall be from Time to Time required by the Chief or Under Secretary to the Lord Lieutenant.

Declaration that Accounts are correct.

VI. And be it enacted, That to every such Account shall be annexed a Declaration in Writing under the Hand of the said Officer,

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to be made before a Justice, affirming the Truth and Accuracy of such Account; and every such Officer who shall make any such Declaration, knowing the said Account to be false in any Particular, and being thereof convicted, shall be liable to the Penalties of wilful and corrupt Perjury.

Entries and Accounts by Officers of Courts.

VII. And be it enacted, That if Default shall at any Time be made by any such Officer in paying over any Balance on such Accounts at such Times as the said Chief or Under Secretary shall direct, it shall be lawful for the said Chief or Under Secretary to certify such Default to any Two Justices of the County, who shall thereupon issue the proper Warrant for the Levy of such Balance as shall have been so certified to be due by such Officer, by Distress and Sale of his Goods and Chattels.

Penalty on Officer for not duly accounting or paying Balances.

VIII. And be it enacted, That in every Case in which a Fine shall not be imposed by any Court of Justice, but by some public Officer or Person legally authorized in that Behalf, such Officer or Person shall make such Entries and render such Accounts of same, and shall pay over such Fine or Balance of Fines according to Law, in such Manner and at such Times as the said Chief or Under Secretary shall from Time to Time direct and require; and if Default shall at any Time be made by any such Officer or Person in so paying over any such Balance, it shall be lawful for the said Chief or Under Secretary to certify such Default to any Two Justices of the County, who shall thereupon issue the proper Warrant for the Levy of such Balance as shall have been so certified to be due by him by Distress and Sale of his Goods and Chattels.

Mode of accounting by Officers not being Officers of Courts of Justice.

IX. And be it enacted, That it shall not be lawful for any Person other than the said Officers herein-before mentioned respectively, or their lawfully authorized Deputies, if any, except the Person to whom any Warrant shall be delivered for Execution, or the Keeper of any Gaol or Bridewell to which the Defendant shall be committed, as the Case may be, to receive any such Fine or Penalty as aforesaid, or the Amount of any forfeited Recognizance ordered to be levied, or any Part of the same; and if any other Officer or Person than the several Officers or Persons herein-before mentioned respectively shall take or receive any such Fine or Sum, or any Part of same, from the Person by whom the same shall be ordered to be paid, he shall, on Conviction thereof before any Two Justices of the County sitting in Petty Sessions, forfeit and pay for every such Offence any Sum not exceeding Ten Pounds, and One Third of such Penalty shall be payable to the Informer or Prosecutor, if the said Justices shall think fit.

Penalty on any Persons but the proper Officers or their legal Deputies for receiving Fines, &c.

By whom Warrants to be executed.

All Fines, &c. to be levied by Constabulary or Police; but Issues to be levied by Sheriffs.

X. And be it enacted, That after the passing of this Act no Warrant or Process shall be directed to any Sheriff to levy the Amount of any forfeited Recognizance, or of any Fine upon a Juror, or of any other Fine or Penalty whatsoever under the Provisions of this Act, but only to the Members of the Constabulary Force 5 or Dublin Metropolitan Police as herein-after mentioned: Provided always, that in every Case where any Court shall direct any Issues to be levied, the Process for levying same shall be directed to the Sheriff of the County, and such Sheriff shall account for same in like Manner as he shall be by Law bound to account for any other 10 Sums coming into his Hands as Sheriff before the proper Officer of the Court of Exchequer by whom Sheriffs Accounts shall be audited and declared.

Warrants from Courts in Dublin to be addressed to Commissioners of Police, but from Divisional Offices to Office Sergeant.

XI. And be it enacted, That all Warrants for the Levy of any such Fines, Penalties, or other Sums as aforesaid (not being Issues), 15 and ordered to be levied by any of the Superior Courts or any Court within the Police District of Dublin Metropolis other than the Divisional Police Offices, shall be addressed to the Commissioners of Metropolitan Police, but when issued from the said Divisional Police Offices they shall be addressed to the Office Sergeant, or 20 such other Member of the said Police Force as the said Commissioners shall appoint for that Purpose; and it shall be lawful for any Superintendent, Inspector, Sergeant, or Constable of the said Police Force to execute any of such Warrants if directed so to do either by One of the said Commissioners or by One of the Justices of the said 25 Divisional Offices, by Endorsement thereon.

Warrants from other Courts to be addressed to County Inspector.

XII. And be it enacted, That all Warrants for the Levy of any such Fines, Penalties, or other Sums ordered to be levied by any other Court in Ireland not being within the Police District of Dublin Metropolis shall be addressed to the County Inspector of 30 the County in which the Court shall be situated; and it shall be lawful for any Sub-Inspector, Head or other Constable of such County to execute any of such Warrants, if directed so to do by the said County Inspector, by Endorsement thereon.

Issue of Warrants.

Officer to transmit List and Warrants to County Inspector or Commissioners of Police.

XIII. And be it enacted, That within Fourteen Days after any 35 Fine, Penalty, or Amercement shall be imposed, or any Recognizance shall be ordered to be estreated (except at the said Divisional Police Offices), and in case of Fines upon Jurors within Thirty Days after Notice of the imposing of same shall have been sent by Post as herein-before provided, the said Officer of the Court shall transmit a List 40 (B.) of such Fines or other Sums to the County Inspector of Constabulary of the County in which such Court shall be situated, or to the
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the said Commissioners of Metropolitan Police when such Court is situated in the said Police District of Dublin Metropolis, and together with such List the said Officer shall also transmit the proper separate Warrant (C.) of himself or other Authority competent to issue same, for the Levy of each Fine, Penalty, or other Sum specified therein, or the Amount thereof then remaining unpaid.

Issue of Warrants.

XIV. And he it enacted, That within One Week after any Fine or Penalty shall be imposed at any of the said Divisional Police Offices the Divisional Justices of such Office shall issue the proper Warrant (C.) for the Levy of the same, or the Amount thereof remaining unpaid, in like Manner as any other Warrant shall be by Law issued by the said Justices.

Issue of Warrants from Divisional Police Offices.

XV. And he it enacted, That in every Case where a Warrant shall be issued under the Provisions of this Act for the Levy of any Fine, Penalty, Amercement, or forfeited Recognizance, it shall be lawful for the Court by whom such Warrant shall be issued to direct thereby, that in default of Distress for the Sum therein mentioned the Person against whom the same shall be issued shall be committed to Gaol, there to be imprisoned for any Term not exceeding One Calendar Month where the Amount of such Sum shall not exceed Two Pounds, or for any Term not exceeding Two Calendar Months where the Amount of such Sum shall exceed Two Pounds and shall not exceed Five Pounds, or for any Term not exceeding Four Calendar Months where the Amount of such Sum shall exceed Five Pounds and shall not exceed Ten Pounds, and for any Term not exceeding Six Calendar Months in any Case where such Sum shall exceed Ten Pounds, the Commitment to be determinable in each of the Cases aforesaid upon Payment of the said Sum and the Costs of the Distress, if any such Costs shall have been incurred.

Court may order Imprisonment in default of Distress.

Scale of Imprisonment in default of Distress.

XVI. And he it further enacted, That in every Case where it shall appear that the Person against whom a Warrant has been issued to any County Inspector, or to the said Commissioners or Office Sergeant, does not reside, or that his Goods are not to be found within the County to which such County Inspector belongs, or within the said Metropolitan Police District, as the Case may be, such County Inspector or either of said Commissioners, as the Case may be, shall certify (D.) that Fact, and that the Signature of the Person issuing same is that of the Person which it purports to be on the Back of the Warrant, and transmit same to the Inspector General of the Constabulary Force, and it shall be lawful for the said Inspector General, or either of the Deputy Inspectors General of the said Force, to back the said Warrant by an Endorsement thereon

Backing of Warrants out of the County.

Issue of
Warrants.

(E.), signed with his Name, authorizing the County Inspector of the County where it may appear that the said Person resides or his Goods are to be found, as the Case may be, to execute the same; and in any Case where it shall appear that such Party resides, or that his Goods are to be found, within the said Police District of Dublin 5 Metropolis, it shall be lawful for either of the said Commissioners of Police to back such Warrant so endorsed by a like further Endorsement thereon (E.), authorizing any Member of the said Metropolitan Police to execute the same.

Backing of
Warrants out
of Ireland.

XVII. And be it enacted, That in every Case where the Person 10 against whom any such Warrant shall be issued shall be supposed to reside, or his Goods to be found, in any Place in England or Wales, or in Scotland, or in the Isles of Man, Jersey, Guernsey, Alderney, or Sark, it shall be lawful for the said Inspector General or Deputy Inspectors General to back the same by a like Endorsement thereon 15 as aforesaid; and it shall be lawful for any Justice of any such Place, upon Proof being made on Oath of the Handwriting of said Inspector General or Deputy Inspectors General backing such Warrant, or upon like Proof of the Handwriting of the Person by whom such Warrant was issued, to make an Endorsement thereon (F.), signed 20 with his Name, authorizing the Execution of such Warrant within the Jurisdiction of such Justice, by the Person bringing same, or by a Constable or other Peace Officer of the County or Place where it shall be so endorsed; and it shall be thereupon lawful for such Person, Constable, or Peace Officer to execute same in such County or 25 Place.

On Payment
of Penalty,
&c. Distress
not to be
levied.

XVIII. And be it enacted, That in every Case where any Person against whom a Warrant of Distress shall be issued under the Provisions of this Act shall pay or tender to the Person having the Execution of the same the Sum or Sums in such Warrant mentioned, 30 or shall produce the Receipt of the Officer of the Court for same, and shall also pay the Amount of the Expenses of such Distress up to the Time of such Payment or Tender, such Person shall refrain from executing the same.

Warrants if
not executed
to be re-
turned to the
Court.

XIX. And be it enacted, That every such Warrant of Distress 35 shall be returnable at such Time as the Court issuing the same shall fix, and the Person to whom the same shall have been delivered in the first instance, or the Person to whom the same shall have been forwarded for Execution, as the Case may be, shall, if such Warrant shall not be executed, return the same to the Court by which it was 40 issued, either direct or through the Person from whom it was received, as the Case may be, at the Time so fixed for such Return, and together with

Issue of Warrants.

with it a Statement of the Reason why such Warrant was not executed; and it shall be lawful for such Court to examine such Person on Oath touching the Nonexecution of such Warrant, and to re-issue the said Warrant again, or to issue any other Warrant for the same Purpose, from Time to Time, as shall seem expedient.

Distress may be sold without Auction Licence.

XX. And be it enacted, That any County Inspector, or the said Commissioners of Police, or Office Sergeant, empowered to sell any Goods or Chattels under any such Warrant of Distress, may and is hereby authorized to sell or cause the same to be sold by Auction by any Sub-Inspector or Head Constable of the said Constabulary Force, or by any Member of the said Metropolitan Police Force, without procuring any Licence to act as an Auctioneer, and may deduct out of the Amount of such Sale all reasonable Costs and Charges actually incurred in effecting the same.

Accounts of Levies under Warrants.

County Inspector, &c. to pay over to Officer Sums levied under Warrants addressed to them.

XXI. And be it enacted, That the said County Inspector or Commissioners of Police or Office Sergeant, as the Case may be, to whom such Warrants shall be addressed and delivered in the first instance, shall pay or transmit the Amount, when the same has been received or levied, to the Officer of the Court from which such Warrants were issued, and shall also return the original List of the same to such Officer, with a Statement therein of what has been done in respect to each Warrant.

Amount of Levies under Warrants backed to Commissioners of Police to be transmitted to County Inspector, and vice versa.

XXII. And be it enacted, That in any Case where any such Warrant issued to any County Inspector shall be sent to the said Commissioners of Police for Execution, the Amount, when levied, shall be transmitted by such Commissioners to such County Inspector, or a Statement of what has been done in respect to the Warrant when the same has not been executed; and in like Manner, when any Warrant issued to the said Commissioners of Police or to the said Office Sergeant of the said Divisional Police Offices shall be sent to any County Inspector for Execution, the Amount, when levied, shall be transmitted by such County Inspector to the Officer of the Court from which such Warrant was issued at such Times and in such Form and Manner as shall be from Time to Time directed by the Chief or Under Secretary to the Lord Lieutenant.

If Sum paid after Committal, Prisoner to be discharged.

XXIII. And be it enacted, That in every Case where any Person who shall be apprehended under any such Warrant issued under the Provisions of this Act shall pay or cause to be paid to the Keeper of the Gaol in which he shall be imprisoned the Sum in the Warrant mentioned, the said Keeper shall receive the same, and shall thereupon

*Accounts of
Levies under
Warrants.*

upon discharge such Person, if he be in his Custody for no other Matter.

*Sums paid to
Gaoler to be
paid over in
Fourteen
Days to
Officer of
Court.*

XXIV. And be it enacted, That in every Case where such Sum as last aforesaid shall be paid to the Keeper of any Gaol or Bridewell, he shall endorse on the Warrant of Commitment the Fact of Payment 5 and the Date of Payment, and shall within Fourteen Days pay over the Amount to the Officer of the Court from which the Warrant was issued, who shall deliver to him a Receipt (L) for the same in the Form in the Schedule to this Act annexed; and the Inspectors General of Prisons shall at their Inspection of each Gaol, and the 10 Justices of the Petty Sessions District shall, at least Once in every Three Months in the Case of each Bridewell, and any other Person or Persons duly authorized by the said Chief or Under Secretary in that Behalf, shall at any other Times examine the Prison Books, and shall require to see the Receipt of the said Officer, in each Case in which 15 it shall appear that the Person committed was discharged before the Expiration of the Period for which he was committed, and shall also compare the Sum mentioned in such Receipts with the Amount in the Warrant of Commitment, and shall certify in the said Books in such Case that such Receipts have been produced to him or them, 20 and that such Sums correspond, or otherwise, as the Case may be.

*Inspectors
General of
Prisons, &c.
to compare
Receipts and
Warrants.*

*Receipts to
be forwarded
to Chief or
Under Secre-
tary.*

XXV. And be it enacted, That the Keeper of such Gaol or Bridewell shall afterwards, when required, forward such Receipts and Warrants to the Chief or Under Secretary to the Lord Lieutenant, for the Purpose of Inspection, together with such Accounts as may 25 be required of him in respect to same, at such Times and in such Manner as such Chief or Under Secretary shall direct.

*Chief or
Under Secre-
tary may
make general
Regulations
as to Ac-
counts.*

XXVI. And be it enacted, That it shall be lawful for the said Chief or Under Secretary to make such general Regulations as shall seem expedient for carrying into effect the Provisions of this Act, for 30 the better Collection of all Fines and Penalties, and the regular accounting for the same by all Persons into whose Hands the same shall come.

*Penalty on
Constabulary, &c. for
not paying
over Sums
levied.*

XXVII. And be it enacted, That if any such Officer or Person as aforesaid shall at any Time make Default in making true and 35 correct Entries of all Fines or other Sums, under the Provisions of this Act, or in rendering due Accounts of all Fines or other Sums passing through his Hands, or in paying over same according to Law at such Times and in such Manner as shall be required by this Act or by such general Regulations as aforesaid, or if any Member of the 40 Constabulary or Metropolitan Police Forces by whom any Warrant shall

shall be executed, shall neglect to pay over the Amount received or levied thereunder as shall be required under the Provisions of this Act, or shall make any wilful Default in returning any unexecuted Warrant to the Court by which the same was issued, or shall neglect to return such Lists, or to account for such Levies, at such Times and in such Forms and with such Vouchers as shall be required by this Act, or by such general Regulations as aforesaid, or if any Keeper of any Gaol or Bridewell shall neglect to pay over any Sum so as aforesaid received by him to the Officer of the Court from which the Warrant shall have been issued, within Fourteen Days from the Receipt of the same, or shall neglect or refuse to transmit any such Receipts or Warrants, or to account for the same, at such Time and in such Manner as shall be required by this Act or by such general Regulations as aforesaid, or if any such Officer or Person as aforesaid, or any other Person having any Duty to perform under the Provisions of this Act, shall neglect or refuse to perform the same, he shall, on Conviction thereof before Two Justices sitting in Petty Sessions or at one of the said Divisional Police Offices, forfeit and pay for every such Offence a Sum not exceeding Twenty Pounds, One Third of which Penalty shall be payable to the Informer or Prosecutor, if such Justices shall think fit; and a Certificate of the said Chief or Under Secretary of such Neglect or Refusal shall be *prima facie* Evidence of the same in any such Proceeding before such Justices.

Accounts of Levies under Warrants.

Penalty on Officers, Gaolers, &c. for Non-observance of preceding Enactments.

Appeals.

Appeal against Imposition of Fine, &c. may be made to Court of Assize or Quarter Sessions, &c., and there heard.

XXVIII. And be it enacted, That it shall be lawful for any Person against whom any Order shall be made for Payment of any Fine, Penalty, or forfeited Recognizance by any such Court or Officer as aforesaid, to appeal for the Reduction or Remission thereof by Petition to the Court of Assize which shall be held next after such Order shall be made, if same shall be made at Assizes, or to One of the Superior Courts of Law in Dublin at the next Term, if same shall be made by a Superior Court, or to the Court of Quarter Sessions of the County which shall be held next after such Order shall be made, if the same shall have been made at Quarter Sessions or at any other Court, or by any Coroner or other Person, or to the Recorder of Dublin at the next Sessions, if same shall be made at any of the said Superior Courts, Judge of Assize, or Assistant Barrister, or Recorder, as the Case may be, shall and are hereby severally authorized to hear the Matter of the said Petition, and to examine into the Merits thereof, and to make such Order thereon for confirming the original Order, or for reducing or wholly remitting such Fine, Penalty, or forfeited Recognizances, as to him or them may seem fit, under all the

Appeals.

Order of
Court of Ap-
peal there-
upon to be
delivered to
Officer of
Court which
made the
original
Order.

Circumstances of the Case; and in all Cases where the Court to which any such Appeal shall be made shall make any Order thereon, the proper Officer of the said Court shall thereupon forthwith either direct the Person charged with the Execution of the Warrant to refrain from the Execution of same, or in case such Order shall 5 direct any Sum of Money to be levied, cause the said Order to be endorsed on the said Warrant, and direct such Person to proceed in the Execution of same according as shall be directed by the Order so endorsed thereon: Provided always, that nothing herein contained shall be deemed to entitle any Person to such Right of Appeal as 10 aforesaid in any Case of summary Conviction, unless an Appeal is given by the Act under which the Fine or Sum is imposed or ordered to be levied: Provided also, that nothing herein contained shall be deemed in any way to limit or restrain the Lord Lieutenant, or the Lords Commissioners of Her Majesty's Treasury, or the Commis- 15 sioners of Inland Revenue, from reducing or remitting any Fine or Sum imposed or ordered to be levied which by Law he or they may be in any way authorized to reduce or remit.

Warrant to
be suspended
on Parties
entering into
Security that
Appeal will
be made.

XXIX. And be it enacted, That no Person so entitled to Appeal shall exercise such Right unless he shall within Fourteen Days from 20 the Date of the Order, or in case of Fines upon Jurors within Fourteen Days from the sending Notice of the Imposition of the Fine by Post as herein-before provided, enter into a Recognizance, with Two Sureties, in double the Amount of the Fine or Sum ordered to be paid before any Justice, conditioned for the Prosecution 25 of such Appeal, and unless he shall also lodge with the Officer of the Court or the Person charged with the Execution of the Warrant a Certificate under the Hand of the Justice by whom such Recognizance was taken, and which Certificate any such Justice is hereby required to give, that such Person has duly entered into such Recog- 30 nizance; and such Officer or Person shall, upon receiving such Certificate, forthwith suspend the Issue or Execution of such Warrant, as the Case may be, and all Proceedings in respect to same, until such Appeal shall have been finally decided, or until such Person shall have failed to prosecute same. 35

On Appeal
being made,
Party to be
discharged if
in Custody.

XXX. And be it enacted, That in any Case where the Person against whom any such Warrant shall be issued shall be in Custody or shall have been committed to Gaol under same, and, being entitled to Appeal, shall have duly entered into the proper Recognizance to prosecute his Appeal, the Court by which the Order shall have been 40 made or the Officer by whom the Warrant shall have been signed shall, upon Application being made to him in that Behalf, forthwith order

order the Discharge of such Person from Custody or Gaol, as the Case may be. *Appeal.*

XXXI. And be it enacted, That in every Case where any Fine shall be imposed on any Person for Nonattendance as a Juror, and the Order imposing such Fine shall not be reversed upon an Appeal being duly made in the Manner herein-before provided, it shall be lawful for such Person in like Manner to make a further Appeal to One of the Superior Courts of Law in Dublin during the Term next after such first-mentioned Appeal shall have been decided, and it shall be lawful for such Court to hear and determine such Appeal; and the several Provisions herein-before contained as to the Suspension and subsequent Execution of any Warrant for the Levy of such Fine shall also apply to such last-mentioned Appeal in like Manner as to such first-mentioned Appeal.

In cases of Jurors Fines Party may have further Appeal to Superior Courts.

Estreat of Recognizances.

XXXII. And be it enacted, That in case any Person who shall enter into a Recognizance to keep the Peace, or to appear to answer to any Complaint as to an Indictable Offence, or to prosecute or give Evidence in any Case of an Indictable Offence, shall in any Manner fail to perform the Condition of such Recognizance, it shall be lawful for the several Assistant Barristers, Recorders of Cities or Boroughs, and for the Chairman of Quarter Sessions of the County of Dublin, upon Conviction of such Person of any Offence that shall be a Breach of the Condition of the said Recognizance, or upon the Production of a Certificate thereof, signed and attested by the proper Officer in that Behalf, that the Person so bound by Recognizance had failed to perform the Condition of same, to order that such Recognizance shall be forfeited to such Amount as such Assistant Barrister, Recorder, or Chairman shall think fit, and to direct a Warrant (C.) to issue to levy such Amount in like Manner as other Fines and Penalties are directed to be levied by this Act: Provided always, that Proof shall be first made on Oath before such Assistant Barrister or Recorder or Chairman that Notice in Writing has been given to or left at the usual Place of Abode of the Party, or each of the Parties if there be more than One, against whom it is sought to put such Recognizance in force, Six Days at the least before the Commencement of the Sessions at which such Application shall be made, and such Notice shall state in Substance the Cause or Matter on which it is intended to sustain the Application.

On Proof of Nonperformance of Condition, Court may order Levy of Recognizance so forfeited.

Proof of Notice to be first given.

XXXIII. And be it enacted, That no Receipt, Voucher, Document, or Instrument required to be given, made, or provided in pursuance of the Provisions of this Act shall be subject to or chargeable with any Stamp Duty whatsoever.

General Provisions. Receipts not to be subject to Stamp.

General Provisions.

Forms in the Schedule deemed valid.

XXXIV. And be it enacted, That the several Forms in the Schedule to this Act contained, or Forms to the like Effect, shall be deemed good, valid, and sufficient in Law, and shall be the proper Forms to be used, even in Cases in which other and different special Forms shall be or shall have been provided by the particular Act or Acts under which the Proceeding shall be taken; and it shall be sufficient in such Forms to state Sums of Money in Words or Figures according as is provided or indicated in such Forms.

Appropriation of Fines and Penalties;

but not to apply to Fines at Divisional Police Offices.

XXXV. And be it enacted, That in any Case where the Act under which any Fine or Penalty shall be imposed shall authorize any Portion of such Penalty to be awarded to the Prosecutor or Informer, it shall be lawful for the Court to award any Sum not exceeding One Third of such Penalty to the Prosecutor or Informer, and the Remainder of such Penalty, and all other Penalties, shall be awarded to the Crown, any Act or Acts to the contrary notwithstanding: Provided always, that nothing herein contained shall be construed to alter the Appropriation or Application of any Fine or Penalty imposed at any of the Divisional Police Offices of Dublin Metropolis, but the same shall continue to be appropriated and applied as is now by Law authorized, and shall be paid over to the same Purposes, from Time to Time, in such Manner and at such Times as the Chief or Under Secretary to the Lord Lieutenant shall direct.

Crown Fines, &c. to be lodged in Bank.

XXXVI. And be it enacted, That all Fines or Penalties payable to the Crown, not being Fines or Penalties imposed at any of the said Divisional Police Offices, and the Amount levied under any forfeited Recognizance, shall be from Time to Time lodged in the Bank of Ireland to the Credit of the same Fund as all Fines or Penalties imposed at Petty Sessions by the said several Officers into whose Hands same shall come, in such Manner as shall be from Time to Time directed by the Chief or Under Secretary to the Lord Lieutenant.

Lord Lieutenant in Council to charge Expenses of Audit on the Fund.

XXXVII. And be it enacted, That it shall be lawful for the Lord Lieutenant, with the Advice and Consent of the Privy Council, to charge the said Fund with the Payment of such Expenses as may be necessarily incurred in the Examination of the Accounts to be rendered under the Provisions of this Act, and in otherwise carrying the Provisions of this Act into effect.

Clerks of Divisional Offices to give Security.

XXXVIII. And be it enacted, That the Chief Clerks of the said several Divisional Police Offices, or such other Clerks as may be deputed as aforesaid at the said Divisional Police Offices, shall give such Security for the proper accounting for all Fines or other Monies which

which may pass through their Hands, under the Provisions of this Act, as the said Chief or Under Secretary shall direct. *General Provisions.*

XXXIX. And be it enacted, That in the Interpretation of this Act, save, where there is anything in the Subject or Context repugnant to such Construction, the Word "County" shall be deemed to include "County of a City," "County of a Town," or "Riding of a County;" Words denoting the Masculine Gender shall include Females as well as Males; and Words denoting the Singular Number shall include Two or more Persons or Things as well as One Person or Thing; the Words "Lord Lieutenant" shall include any other "Chief Governor or Governors of Ireland;" the Word "Justice" shall mean Justice of the Peace, and include a Justice of the Divisional Police Office of Dublin Metropolis; the Word "Gaol" shall include any "House of Correction" or "Bridewell" or other legal Place of Imprisonment of the County; the Word "Goods" shall include "Chattels;" and the Word "Oath" shall include "Affirmation." *Interpretation Clause.*

XL. And be it enacted, That from and after the passing of this Act a certain Act passed in the Sixth and Seventh Years of the Reign of Her present Majesty, intituled "An Act for the better Collection of Fines, Penalties, Issues, Deodands, Amerciaments, and forfeited Recognizances in Ireland, and for the Appropriation thereof," shall be and the same is hereby repealed, together with all other Act or Acts or Parts of Acts which are inconsistent with the Provisions of this Act, save and except so much of the said several Acts as repeal any other Acts or Parts of Acts, and also except as to any Offence or Matter which shall have occurred before the passing of this Act, or any Proceedings now pending to which the same or any of them are applicable, and also except so far as relates to any Fine or forfeited Recognizance imposed or ordered to be levied at Petty Sessions, or by any Justice out of Quarter Sessions. *Repeal of Fines and Penalties Act, 6 & 7 Vict. c. 56.*

XLI. And be it enacted, That this Act shall commence and take effect on the First Day of October in the Year of our Lord One thousand eight hundred and fifty. *Act to take effect on 1st Oct. 1850.*

XLII. And be it enacted, That in citing this Act in other Acts of Parliament, or in any legal or other Instruments or Proceedings, it shall be sufficient to use the Expression "The Fines Act (Ireland), 1850." *Short Title of Act.*

Act to extend to Ireland only.

XLIII. And be it enacted, That this Act shall extend to Ireland only, except so far as relates the backing of Warrants.

Schedules to be Part of Act.

XLIV. And be it enacted, That the Schedules to this Act annexed shall be deemed and understood to be Part of this Act.

Act may be amended, &c.

XLV. And be it enacted, That this Act may be amended or repealed by any Act to be passed in the present Session of Parliament.

SCHEDULE

Form A.

Form for Slavery Proof.

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Name of		Name of										
Date of Birth.	1. Parents.		2. Parents or Guardians.	3. Slaves or Free Colours (including Free Coloured Persons).								
	Name, Description, and Residence?	Employment.		Religion.	Place or Name.	Date.	When in the past (date, if recorded) or "during the last of years."	And (date, if recorded) or "during the last of years."	Experiments.		Status of Free or Free Coloured in Prisoner.	
									Time.	Where or (date, if recorded) or "during the last of years."		

4 The Description and Settlement for each of the Slaves. The Workers below to be inserted in the Case before.

Slavery Proof—continued.

A. Slaves or Free Colours.							B. Slaves or Free Colours or Slaves.					Remarks.
Slaves.							Slaves.			Slaves.		
No.	Date of Birth.	To whom attached.	Assigned to Masters.		Whether in Slavery or otherwise in State.	To what State or (date, if recorded).	Assigned (date, if recorded).	From whom received.	Date of Receipt.	To whom given.	Date of Payment.	
			Place.	Date.								

Collection of Slaves (continued).

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And to be delivered to County Agents⁽¹⁾ (or Commissioners) along with Affidavits.

County of _____

Term of _____

Date of Sale	No. in Order Book	Name of Party upon whom Warrant is made	Date of Forfeiture	Amount or Warrant		Name of County Agent, Clerk or Justice to whom Lien is returned	Remarks
				Paid or Due	When		
				d. c. t.	d. c. t.		

Continuation of Form (A) (Indicate)

(1) "County Agents"

(2) "Commissioners"
"Judges"

I certify that the above list is correct, and that I have sent the same to the ()

This _____ Day of _____ 188 .

Signed _____

(Office of Court)

Form C.

Warrant to distrain.

Court of _____

County of _____

To the ⁽¹⁾ _____ and to the Keeper of the [Gaol] at _____

A. B. } Whereas, for the following Cause, viz. ⁽²⁾
n. } the following Order was made on the _____ Day of _____
C. D. } by the above Court, against *C. D.*
 That he should pay a Fine [or Sum] of £ _____

and also for Costs _____

to ⁽³⁾ _____⁽⁴⁾ _____and ⁽⁵⁾ _____

That he should be imprisoned for the Term of _____

⁽⁶⁾ _____

And whereas the said Order has not been complied with at the Time appointed:

This is therefore to command you forthwith to make Distress of the Goods and Chattels of the said *C. D.*, and if within the Space of _____ Days after the making of such Distress the said Sum, amounting to _____ Pounds _____ Shillings and _____ pence, together with the reasonable Charges of taking and keeping the said Distress, shall not be paid, that then you do sell the said Goods and Chattels, and do pay out of the Money arising from such Sale the Amount of the said Sum to the Officer of said Court, that he may apply the same as by Law directed, rendering the Overplus, if any, to the Owner, and if no such Distress can be found, then _____

This is to command you to take the said *C. D.*, and him safely to convey to the said [Gaol], and there to deliver him to the Keeper thereof, together with this Precept; and I do hereby command you the said Keeper to receive him into your Custody in the said [Gaol], and there to imprison him ⁽⁷⁾ for the Space of _____ unless the said several Sums shall be sooner paid; and for your so doing this shall be your sufficient Warrant.

Given under my Hand, this _____ Day of _____ in the Year
 Eighteen hundred and _____ at _____ in the County aforesaid.

This Warrant to be returned to me on the
 Day of _____ If not previously executed.

(Signed) _____

⁽¹⁾ "Clerk, Inspector,"or
"Commissioners of
Metropolitan Police,"or
"Officer Inquest of Metropolitan Police of the
() District Office,"⁽²⁾ State the Offence or⁽³⁾ Crown or Party,⁽⁴⁾ "Forthwith," or
"Before the _____ Day
of _____"⁽⁵⁾ "In default of Payment,"or
"In default of Distress,"
⁽⁶⁾ "With hard Labour," if ordered.⁽⁷⁾ "And imprisoned with
Labour," if ordered.* In case of *James Fines*, insert "for Nonattendance as a Jury at the above Court on the
Day of _____"In case of *forfeited Recognizances*, insert "for Nonperformance of the Condition of a Recognizance entered
into by him on the _____ Day of _____" (state Condition).

FORM D.

Certificate that Defendant does not reside, or that his Goods are not to be found.

I hereby certify that C.D., named in the within Warrant, does not reside [or has no Goods to be found] in this County [or in the Police District of Dublin Metropolis], but I believe him to reside [or his Goods to be found] at M. in the County of N.; and I further certify that the Name of J.S. to the within Warrant is of the Handwriting of the Person within mentioned.

Signed _____ County Inspector
[or Commissioner of Police.]
this _____ Day of 185 .

To

The Inspector General of Constabulary.

FORM E.

Endorsement by Inspector General or his Deputies in backing a Warrant.

Whereas it has been certified to me, under the Hand of _____ [County Inspector of Constabulary, or Commissioner of Metropolitan Police], as above. I do therefore authorize you and all Sub-Inspectors, Head or other Constables, of the County of N., to execute the same within the said last-mentioned County; and for so doing this shall be your sufficient Warrant.

Given under my Hand, this _____ Day of 185 .

[Deputy] Inspector General of Constabulary.

To

The County Inspector of County of N.

FORM F.

Endorsement by a Justice (or Commissioners) in backing a Warrant.

County of _____

Whereas Proof upon Oath hath this Day been made before the undersigned Justice for the County of N., that the Name of _____ to the within Warrant [or above Endorsement] subscribed is of the Handwriting of the Justice within mentioned [or Inspector or Deputy Inspector General above mentioned]: I do therefore authorize W.T., who bringeth to me this Warrant [or X.Y. of the Dublin Metropolitan Police], to whom this Warrant was originally directed, or by whom the same may be lawfully executed, to execute the same within the said County [or Police District of Dublin Metropolis].

Given under my Hand, this _____ Day of 185 .
Signed _____ J.B.,
[or Commissioner].

FORM G.

Receipt for Sums paid to Parties by Officer of Court.

Court of _____ County of _____
 Month of _____
 I have received from _____ the Officer of the above Court, the Sum
 of _____ Pounds _____ Shillings and _____ pence awarded to
 me on the _____ Day of _____ [Date of Order].
 Sum, £ : : Signed, _____
 Costs, £ : : Witness, _____
 this _____ Day of 185 .

FORM H.

Receipt for Sums paid to Officer of Court by Parties.

Court of _____ County of _____
 I have received from C.D. the Sum of _____ Pounds _____ Shillings
 and _____ pence, under an Order of the above Court, made on the
 day of _____ [Date of Order].
 Sum, £ : : Signed, _____
 Costs, £ : : Officer of said Court of
 this _____ Day of 185 .

FORM I.

Receipt for Sums paid to Officer of Court by Gaoler.

For the Court of _____ County of _____
 I have received from _____ Keeper of the [Gaol] at
 the Sum of _____ Pounds _____ Shillings and _____ pence, stated
 to be the Sum mentioned in a Warrant under which C.D. was committed on
 the _____ Day of _____ under the Order of the above Court to the
 said Gaol.
 £ : : Signed, _____
 this _____ Officer of said Court,
 Day of 185 .

FORM K.

Recognizance.

Court of _____ County of _____
 A.B. } C.D. of _____ acknowledges himself bound to attend
 v. } at _____ on the _____ Day of _____
 C.D. } at _____ o'clock in the Forenoon ⁽¹⁾ Now the
 said C.D. together with E.F. of _____ and G.H. of _____ also
 severally acknowledge themselves bound to forfeit and pay to Her Majesty the
 502. F Queen,

(1) Insert, as the Case
 may be, "to presence of
 the Quarter Sessions (or
 Assizes or other Court)"
 to be held at the above
 Place and Place his Ap-
 peal against the Order
 made against him on the
 _____ Day of _____ that"
 (state Order)

Queen, Her Heirs and Successors, the Sums following, that is to say, the said *C.D.* the Sum of Pounds Shillings, and the said *E.F.* and *G.H.* the Sum of Pounds Shillings each, to be levied off their Goods, Chattels, Lands, and Tenements respectively, in case the said *C.D.* fails to comply with the above Obligation.

Taken and acknowledged the Day and Year first above mentioned,
at in the County aforesaid, before

Justice of the Peace.

I, the above-named *C.D.*, do swear, that my usual Place of Residence is at in the Parish of Townland of and County of , and that my Addition as set forth in the above Recognizance is just and true.

(Signed) _____

I, the above-named *E.F.*, do swear, that I am a Householder, and have a House wherein I usually reside, at in the Parish of Townland of and County of , and that I support and maintain myself by , and that I am worth the Sum of Pounds Shillings over and above all my just Debts.

(Signed) _____

I, the above-named *G.H.*, do swear, that I am a Householder, and have a House wherein I usually reside, at in the Parish of Townland of and County of , and that I support and maintain myself by , and that I am worth the Sum of Pounds Shillings over and above all my just Debts.

(Signed) _____

Sworn before me, the said Justice, the Day and Year first above written.

I hereby certify, that the said *C.D.* has not appeared at the Time and Place above mentioned and complied with the said Obligation.

Signed, _____ [Officer of Court].

This Day of

I hereby order, that the Sum of Pounds Shillings shall be forthwith levied off the Goods and Chattels of the said *C.D.*, *E.F.*, and *G.H.*

Signed, _____ [Court].

This Day of